

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-5 and 7-23 are pending. New claims 22 and 23 have been added to secure an appropriate scope of protection to which Applicants is believed entitled.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. The Examiner has failed to identify all elements of claim 1 as anticipated by Falco (U.S. Patent 5,500,958).

Falco fails to anticipate the claimed subject matter of claim 1 as Falco fails to disclose at least “the first compliance being greater than the second compliance.”

Specifically, Falco discloses an apparatus including a first region of material, i.e., outer perimeter 16 of first portion 12, and a second region of material, i.e., rim 40 of second portion 30. As disclosed by Falco, first portion 12 “may be constructed of a rigid or semi-rigid material” and second portion 30 “may be constructed of any flexible or semi-rigid material” (Falco, column 4, lines 18-19 and column 5, lines 31-32). As described in the instant specification at page 8, lines 2-3, there is an inverse relationship between stiffness and compliance. That is, the Falco first portion 12 is a lower compliance material, being rigid or semi-rigid, whereas second portion 30 is a higher compliance material, being flexible or semi-rigid. Thus, first portion 12 can never be less rigid (i.e., more compliant) than second portion 30 and therefore first portion 12 cannot have a greater compliance than the second portion.

Consequently, the “second portion” can never be more rigid (i.e., less compliant) than the “first portion” since the former is said to be no more rigid than “semi-rigid” and the latter is said to be at least as rigid as “semi-rigid”. This is in direct contradiction to the requirements of the compliance of the first and second regions of material stipulated in the independent claims of this application.

In contrast, as claimed in claim 1, the first region has a first compliance greater than the compliance of the second region. As discussed above, Falco fails to disclose the compliance

difference of the claim 1 first and second regions and the rejection should be withdrawn.

Claims 2-5, 7-9, 13, and 16-20 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over Falco for at least the reason advanced above with respect to claim 1. The rejection of claims 2-5, 7-9, 13, and 16-20 should be withdrawn.

Claims 10, 20, 22, and 23 are patentable at least for similar reasons as those advanced above with respect to claim 1 and the rejection should be withdrawn.

Claims 11, 12, and 14-15 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over Falco for at least the reasons advanced above with respect to claim 10. The rejection of claims 11, 12, and 14-15 should be withdrawn. Claim 21 depends from claim 20, includes further important limitations, and is patentable over Falco for at least the reasons advanced above with respect to claim 20. The rejection of claim 21 should be withdrawn.

New claim 22 recites an apparatus for covering some or all of a wearer's body. The apparatus includes an interface means which in use are adjacent the wearer's body. The interface means includes a first cushion region of material having a first compliance and a second cushion region of material having a second compliance. The first compliance is greater than the second compliance. Both of the cushion regions are adjacent respective parts of the wearer's body and the apparatus has an area defining a perimeter designed or shaped to fit around the relevant parts of the wearer's body and the interface means is attached to and covers the whole perimeter wherein the second cushion region of material of the interface means does not cover the whole perimeter but only a part of it.

New claim 23 recites a method of constructing apparatus for covering all or a part of the wearer's body. The apparatus includes an interface means which in use are adjacent the wearer's body. The method includes providing a first cushion region of material of a first compliance and the second cushion region of material of a second compliance. The first compliance being greater than the second compliance and wherein both cushion regions are adjacent respective parts of the wearer's body in use. The apparatus has an area defining a perimeter designed or shaped to fit around the relevant parts of the wearer's body and the interface means is attached to

and covers the whole perimeter wherein the cushion second region of material of the interface means does not cover the whole perimeter but only a part of it.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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